

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
3 SOUTHERN DIVISION
4

5 KASEY D. ALVES,

6 Plaintiff,

7 VS.

CAUSE NO.: 1:06cv912 LG-JMR

8 HARRISON COUNTY MISSISSIPPI, BY AND
9 THROUGH THE BOARD OF SUPERVISORS;
10 HARRISON COUNTY SHERIFF'S DEPARTMENT;
SHERIFF GEORGE PAYNE, JR.; AND,
HEALTH ASSURANCE, LLC.,

11 Defendants.
12

13 DEPOSITION

14 OF

15 ROBERT N. ELEUTERIUS

16 Taken on behalf of the Plaintiff

17 9:37 a.m., Wednesday, March 12th, 2008

18 before

19 Lisa H. Brown, CSR #1166
20
21
22

23 COAST-WIDE REPORTERS
24 Court Reporters
25 Post Office Box 95
Biloxi, Mississippi 39533-0095
(228) 374-5066

PENGAD-Bayonne, N. J.

PLAINTIFF'S
EXHIBIT

47

1 ROBERT N. ELEUTERIUS,
2 having been produced and first duly sworn, was examined
3 and testified as follows:

4 - - -

5 EXAMINATION

6 BY MR. PRINGLE:

7 Q. Please state your name.

8 A. Robert N. Eleuterius.

9 Q. Mr. Eleuterius, at one time you were a member
10 of the Harrison County Board of Supervisors?

11 A. That's correct.

12 Q. For what period of time were you a member of
13 the Board?

14 A. Twenty-four years.

15 Q. Can you give me what years you served?

16 A. From '84 to 2007.

17 Q. And in 2007, you decided not to seek
18 reelection; is that correct?

19 A. Well, actually in January of 2- -- yes.

20 Q. You didn't run, again?

21 A. I didn't run again.

22 Q. All right. I'm not going to cover the whole
23 twenty-four years that you served, but I want to talk
24 about maybe from the calendar years 2000 to 2006.

25 What was the Board of Supervisors' role in

1 the management of the Harrison County Adult Detention
2 facility during that time period?

3 A. To come up with the finances and to operate
4 -- the operation and maintenance of the jail,
5 budget-wise.

6 Q. Any other role?

7 A. No, just simply take requests from the
8 sheriff and try to fund as much of that request as we
9 possibly could.

10 Q. Who was responsible for the day-to-day
11 management and operation of the jail?

12 A. The sheriff.

13 Q. And from the calendar year of 2000 to 2006,
14 the sheriff would have been George Payne?

15 A. That's correct.

16 Q. All right. Are you familiar with -- I want
17 to show you Exhibit 1. I'll just put a number on it,
18 and we'll mark it later. Exhibit 1 is a Consent
19 Judgment that was entered by the United States District
20 Court back on, I think, January 12, 1995. Have you
21 seen this document before?

22 A. Yes, I have.

23 Q. I just want to go over a few provisions of
24 the judgment with you and be sure that you're familiar
25 with them.

1 Q. Did the Board ever request it, to your
2 knowledge?

3 A. Not to my knowledge.

4 Q. So the discipline of deputies and any
5 misconduct by deputies was left solely to the sheriff?

6 A. That's correct.

7 Q. And the Board didn't monitor that in any way?

8 A. Not to my knowledge.

9 Q. Are you aware there was a procedure for
10 inmates to file grievances at the jail concerning any
11 complaints they had?

12 A. Yes, I was aware of that. In fact, over the
13 years, we even had to set up a library out there with
14 computers to teach them how to sue us.

15 Q. Was there any monitoring by the Board of the
16 grievances that were filed by the inmates?

17 A. I'm sorry. Would you repeat that?

18 Q. Did the Board in any way monitor the
19 grievances that were filed by the inmates, get copies
20 of the grievances that were filed, or do anything to
21 determine what those grievances were?

22 A. I'm sure we did through our attorneys, that
23 we were probably told, but I'm not certain of that.

24 Q. Who would make the determination when the
25 Board would be told about an inmate grievance? Would

1 A. Okay.

2 Q. Second paragraph, it says, "Detention staff
3 does not uniformly receive pre-service training and
4 annual in-service programs are not regularly
5 provided."

6 Were you informed of that information set
7 forth in this report?

8 A. Yes.

9 Q. Do you know if there was anything the Board
10 did in response to that finding?

11 A. Other than possibly, you know, give
12 additional staffing, and then that -- as I told you
13 what I was looking for earlier, where we approved some
14 fifty deputies to be trained. And that might have been
15 when -- the timing. I just don't recall the dates and
16 times of all of this.

17 Q. And then, the next sentence says, "The
18 majority of training is currently on-the-job." Were
19 you informed of that finding?

20 A. Yes.

21 Q. And then, going down to the last paragraph
22 on page two, the first sentence says, "The morale of
23 the staff is extremely low." Were you informed of
24 that finding?

25 A. For twenty-four years, it's been real low out

1 Q. Page -- I'm sorry. Go ahead.

2 A. One of the issues on that is I'm the only
3 supervisor that was here when we actually built the
4 jail.

5 Q. Right.

6 A. And we were sold that jail that we needed
7 one deputy to run an entire pod, and that's how we
8 managed to get this jail built, and we were drilled
9 into that. But the minute we opened it up, we knew
10 that we were understaffed, because the sheriff sold
11 the project at the time that one person could take
12 care of a whole pod and that's just impossible.

13 Q. Going to page three, the middle of the first
14 paragraph at the top, six sentences down, it says,
15 "Dr. Cabana stated that there were approximately 57
16 staff vacancies." Were you aware --

17 A. Yes.

18 Q. -- that that many vacancies existed at the
19 time of this report?

20 A. Well, we -- actually, we never could find
21 out over the past six or seven years how many
22 vacancies was there, because one day there would be
23 twenty, the next day there would be thirty, and then
24 they would fill some and then they would lose some. I
25 know it's been a good number. I did not remember --

1 paragraph.

2 A. Uh-huh (indicating yes.)

3 Q. Were you made aware of that finding?

4 A. Yes.

5 Q. Did you believe that that problem existed at
6 the jail?

7 A. Yes, I did.

8 Q. Did you believe that that problem existed at
9 the jail for a number of years?

10 A. Yes.

11 Q. I'm going to skip "crowded conditions." But
12 the next one says, "failure to follow established
13 policies and procedures." Were you aware of that
14 finding?

15 A. I don't recall it, but I'm sure it was in
16 there.

17 Q. As a member of the Board, would you have
18 agreed that that existed at the Harrison County jail?

19 A. Yes.

20 Q. Would you agree that that existed for a
21 number of years?

22 A. Yes.

23 Q. And going to page four, at the very top, it
24 says, "Significant and immediate steps must be taken to
25 improve the overall professionalism of the jail,

1 him.

2 Q. Have you ever met Mr. Steve Martin?

3 A. No, sir.

4 Q. All right. Go to page seven. Second
5 paragraph, number one, Staff Use of Force. Do you see
6 that in the middle of the page?

7 A. I have Security Administration on page seven.

8 Q. Yeah, right below that.

9 A. Okay. I'm sorry. Yeah, I see it.

10 Q. Okay. And then it says, "In the six
11 previous reports filed since 1997 there was a single
12 instance in which I reported on a misapplication of
13 force, chemical agents or restraints."

14 Do you see that?

15 A. Yes.

16 Q. And then, the next sentence says, "As
17 aforementioned, there were thirty-one incidents of
18 force in December 2004, which represents a serious
19 increase in the use of force at HCDC."

20 Do you see that one?

21 A. Yes, I do.

22 Q. Do you remember reading this report and
23 seeing -- or being informed of this finding in this
24 report?

25 A. I do remember being informed about it, yes.